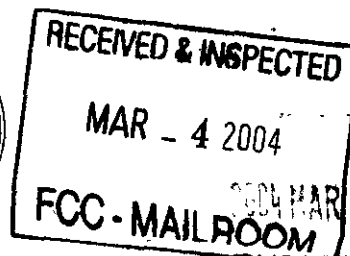


Julie Parsley
Commissioner

Paul Hudson
Chairman

W. Lane Lanford
Executive Director

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Public Utility Commission of Texas

Marlene H. Dortch - Secretary
Federal Communications Commission
445 Twelfth Street, S.W. - TWA 325
Washington, D.C. 20554

Irene Flannery - Vice-President of High Cost and Low Income Divisions
Universal Service Administrative Company
2120 L. Street, NW - Suite 600
Washington, D.C. 20037

RE: Federal-State Joint Board on Universal Service, CC Docket No. 96-45

TX PUC Project No. 25787 - FCC Letters Regarding ETC Designation Pursuant to
FTA '96 §214(e) (2)

March 4, 2004

Pursuant to Section 214(e) (2) of the Communications Act of 1934, as amended (the "Act") and 47 C.F.R. sections 54.201 – 54.203, the Texas Public Utility Commission (TPUC) granted the eligible telecommunications carrier (ETC) designation to MCImetro Access Transmission Services, L.L.C. (MCI) dba "MCImetro L.L.C." and "The Neighborhood Built By MCI". MCI's ETC designation will include all of the Texas exchanges within Southwestern Bell Telephone's (SBC's) study area. Attached is the TPUC's Order No. 4, *Notice of Approval for Designation As An Eligible Telecommunications Carrier (ETC)*, in Docket No. 22511, issued on July 3, 2000, granting ETC designation to MCI.

If you require any additional information please call Janis Ervin at (512)-936-7372.

Sincerely,

A handwritten signature in cursive script, appearing to read "J. Ervin".

Janis Ervin - Senior Policy Specialist
Telecommunications Division - Texas Public Utility Commission

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DOCKET NO. 22511

APPLICATION OF MCIMETRO ACCESS
TRANSMISSION SERVICES, L.L.C.
FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER (ETC)
PURSUANT TO 47 U.S.C. §214(e) AND
P.U.C. SUBSTANTIVE RULE 26.418

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PUBLIC UTILITY COMMISSION
OF TEXAS

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PUBLIC UTILITY COMMISSION
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ORDER NO. 4
NOTICE OF APPROVAL FOR DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER (ETC)

Procedural History

On May 8, 2000, MCImetro Access Transmission Services, L.L.C. (MCIM) filed an application for designation as an eligible telecommunications carrier (ETC), pursuant to 47 U.S.C. §214(e) of the Federal Telecommunications Act (FTA 96) and P.U.C. SUBST. R. 26.418. Under 47 U.S.C. §214(e), a common carrier designated as an ETC in accordance with that subsection shall be eligible to receive federal universal service support under 47 U.S.C. § 254. ETC designation is the responsibility of the state Commission. MCIM seeks ETC designation in the Southwestern Bell Telephone (SWBT) territories in Texas. MCIM holds Certificate of Operating Authority No. 50004.

The Commission issued Order No. 1 in this proceeding which established a procedural schedule, including deadlines for comment, motions to intervene, and published notice in the *Texas Register*. On May 19, 2000, Order No. 2 determined the sufficiency of MCIM's application and established June 26, 2000 as the earliest effective date. Due to a delay in publication of notice, Order No. 3 was issued amending the procedural schedule and establishing the effective date as July 3, 2000.

No objection, comment, or motions to intervene were filed, and no hearing was requested. P.U.C. SUBST. R. 26.418(g)(2)(A) provides that an application for ETC designation may be reviewed administratively.

Discussion

To qualify for ETC status, a carrier must meet four conditions:¹

1. The carrier must be a common carrier, as that term is defined by § 3(10) of FTA 96.

¹ 47 C.F.R. § 54.201(b)-(d) (1997).

2. The carrier must offer the following services (requisite services),² using its own facilities or a combination of its own facilities and the resale of another carrier's services:³

- (a) voice grade access to the public switched network;
- (b) local usage;
- (c) dual tone multi frequency signaling, or equivalent;
- (d) single party service, or equivalent;
- (e) access to 911 or enhanced 911;
- (f) access to operator services;
- (g) access to interexchange service;
- (h) access to directory assistance;
- (i) toll blocking for qualifying low income customers; and
- (j) toll control for qualifying low income customers.

3. The carrier must advertise the availability of and charges for the requisite services in a media of general distribution.⁴

4. The carrier must provide Lifeline and Link Up support, and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.⁵

MCIM meets all of the above criteria. The Company provided a copy of the application to the Office of Public Utility Counsel. MCIM submitted publisher's affidavits verifying completion of notice as of June 2, 2000. Pursuant to P.U.C. SUBST. R. 26.418(g)(2)(A) the effective date shall be no earlier than 30 days following the completion of notice.

MCIM does not offer toll control but on December 30, 1997, the Federal Communications Commission (FCC) clarified its Order regarding "toll limitation" to require a carrier to offer only one form, either toll blocking or toll limitation, for designation as an ETC. MCIM offers toll-blocking service to qualifying customers, and has an approved Lifeline and Link Up service tariff on file with the Commission. MCIM will offer the services to all consumers within its SWBT territories service areas.

² 47 C.F.R. § 54.101 (1997).

³ 47 C.F.R. § 54.201 (1997).

⁴ *Id.*

⁵ 47 C.F.R. § 54.405 (1997).


MCIM has not requested any waivers of the FCC requirements. A rural carrier does not serve the SWBT exchanges requested by MCIM for USF support.

On June 27, 2000, the Office of Regulatory Affairs (ORA) filed their recommendation for approval of this application. ORA affirms that MCIM meets all of the established criteria and recommends ETC status be granted.

In accordance with ORA's recommendation, pursuant to the FTA 96 §214(e)(2) and P.U.C. SUBST. R. 26.418, MCImetro Access Transmission Services, L.L.C.'s application for ETC designation is **APPROVED** effective July 3, 2000.

SIGNED AT AUSTIN, TEXAS on the 3rd day of July 2000.

PUBLIC UTILITY COMMISSION OF TEXAS

for 
TAMMY COOPER
DIRECTOR, DOCKET MANAGEMENT DIVISION
OFFICE OF POLICY DEVELOPMENT